

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR198
vs.) ORDER
EDGAR ELIAS REGALADO-MARIN,) FOR DETENTION OF WITNESS
Defendant.) **HILARIA CARMONA-PEREZ**

This matter is before the court on the Motion for Material Witness [32] filed by the defendant for the arrest and detention of a material witness, Hilaria Carmona-Perez. The court having found that the motion set forth the materiality of the witness's testimony in the above-captioned matter and that it may become impracticable to secure the presence of the witness by subpoena, an arrest warrant was issued for the arrest of witness Hilaria Carmona-Perez pursuant to 18 U.S.C. § 3144. Following the witness' arrest, the witness Hilaria Carmona-Perez was brought before the undersigned magistrate judge for a hearing.

Hilaria Carmona-Perez appeared with her court-appointed counsel, Hugh Reefe.. The United States was represented by Assistant U.S. Attorney Christian A. Martinez. David R. Stickman appeared on behalf of the defendant Edgar Elias Regaldo-Marin. During the hearing, Chandler Thompson, a certified interpreter in the Spanish language, was present by remote telephone hook-up.

The material witness offered no evidence. I find that the testimony of Hilaria Carmona-Perez would be material in this criminal proceeding against Edgar Elias Regaldo-Marin. I further find that it may become impracticable to secure the presence of the witness by subpoena if the witness absconds to Mexico if she were released from custody on conditions. Since BICE has placed a detainer with the U.S. Marshal for removal proceedings with regard

to the witness and the witness has no roots in this community or state, I find that there is no condition or combination of conditions that would reasonably assure the presence of the witness for the upcoming criminal proceedings in this matter if he was released on conditions.

IT IS ORDERED:

1. The witness, Hilaria Carmona-Perez, is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The witness shall be afforded a reasonable opportunity for private consultation with her counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the witness to the United States Marshal for the purpose of an appearance in connection with a court proceeding.
2. Any motion or request for a deposition of the witness pursuant to Fed. R. Crim. P. 15(a) and 18 U.S.C. § 1344 shall be served on all parties to this case.

DATED this 2nd day of June, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge